

SENATE—Monday, January 31, 2000

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of peace, we seek to receive Your peace and communicate it to others throughout this day. We confess anything that may be disturbing our inner peace. We know that if we want peace in our hearts, we cannot harbor resentment. We seek forgiveness for any negative criticism, gossip, or innuendo we may have spoken. Forgive the times that we have brought acrimony into our relationships instead of bringing peace into misunderstandings. You have shown us that being a reconciler is essential for a continued, sustained experience of Your peace. Most of all, we know that lasting peace comes from Your spirit, Your presence in our minds and hearts.

Show us how to become communicators of the peace that passes understanding, bringing healing reconciliation, deeper understanding, and open communication. In the name of the Prince of Peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM BUNNING, a Senator from the State of Kentucky, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. BUNNING. Mr. President, this morning the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume debate on the bankruptcy reform bill under the previous order. There are a few amendments remaining, and those Senators who have amendments under the agreement are encouraged to work with the bill managers on a time to debate their amendments. As previously announced, votes ordered with respect to the bankruptcy legislation will be stacked to occur on Tuesday at a time to be determined.

In an effort to complete the bankruptcy bill, Senators may expect votes throughout the day on Tuesday and

Wednesday. Following completion of the bankruptcy bill, the Senate is expected to begin consideration of the nuclear waste legislation.

I thank my colleagues for their attention. I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

AMERICANS WITH DISABILITIES ACT DECISION

Mr. THURMOND. Mr. President, I am pleased that the Supreme Court announced recently that it will decide whether state governments are bound by the Americans with Disabilities Act.

The issue in the case, Dickson v. Florida, is whether the states are immune from suit under the ADA based on the Constitution's 11th Amendment immunity provision for states. The legal issues are quite similar to Kimel v. Florida Board of Regents, in which the Supreme Court held earlier this month that the states cannot be sued under the Age Discrimination in Employment Act.

This case could be critical to a bill I have introduced, the State and Local Prison Relief Act. This legislation, S. 32, would exclude state prisoners from coverage under the ADA. The Dickson case underscores the need to accomplish the purpose of this bill. The Congress did not consider all of the potential consequences of enacting the ADA, and its implications on prisons is one of the best examples.

The courts have always deferred to the states in the management of prisons. We do not need the federal courts second-guessing the states' decisions on how to best manage and control the volatile prison environment. This is especially true in the face of a statute that creates very specific legal rights for very broad classes of individuals.

The Act is detrimental to the safe, orderly operation of state prisons. Moreover, at the very least, it gives prisoners more of an excuse to challenge authority by providing them more tools to bring frivolous lawsuits against state prisons.

Dickson is a case of great significance. It provides the Supreme Court a unique opportunity to limit the reach

of Federal power over state prisons and continue its recent affirmation of the power of the states in our constitutional scheme of government.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding we are in a period of morning business now.

The PRESIDING OFFICER. That is correct.

Mr. REID. I am going to be in control of the time under the control of the Democratic leader today.

The PRESIDING OFFICER. Until 1 o'clock.

CAMPAIGN FINANCE REFORM

Mr. REID. Mr. President, I have been interested in watching both the Democratic and Republican battles in New Hampshire for the nomination of the respective parties. I was not able to watch personally, but I understand that yesterday Mr. MCCAIN, the senior Senator from Arizona, was interviewed on one of the national shows and talked about campaign finance reform and, in effect, the difficult sledding it has been for him, a Republican, to move forward on this issue.

Based on what the Supreme Court did just last week, I think it is significant to keep our eye on the prize, and that is to recognize that the Supreme Court has now given us the latitude and leeway to be able to do something about campaign finance reform. Senator MCCAIN is to be congratulated for being so responsive to what I think the American public is asking from us. That is to do something about lessening the need for the huge amounts of money in Federal elections.

Senator MCCAIN has been very lonely out there, for being a member of the majority. He has not had a lot of support. I think it has taken a lot of courage for him to move forward with campaign finance reform. I believe if we start talking about the issue, as I have heard Governor Bush say: Well, I can't support campaign finance reform because it will simply help the Democrats—Mr. President, it would help the American public if people took a more realistic view regarding this vital legislation. Let's move forward with